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March 18, 2010

Via E-Filing

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: Finance Docket No. 35305, *Arkansas Electric Cooperative Corp.* – *Petition for Declaratory Order*

Dear Ms. Brown:

On March 16, 2010, we filed the Opening Evidence and Argument of Western Coal Traffic League ("WCTL") and Concerned Captive Coal Shippers ("CCCS") in the above-referenced docket (WCTL and CCCS are collectively referred to as "Coal Shippers"). By this notice of errata, we are providing a corrected version of page 31 of that filing

This change corrects the first sentence on page 31 of the Coal Shippers' Argument in both the public and under seal versions of the filing. There is no confidential information included on page 31.

Thank you for your attention to this matter.

Sincerely,

Andrew B. Kolesar III

Enclosure

BNSF appears to have developed its maximum IDV.2 figures in a regression analysis that uses data from pairs of E-Sampler monitors in side-by-side tests. Andrew V.S. at 4-5. There are several fatal flaws in BNSF's statistical analysis.

First, BNSF has not validated, using any acceptable statistical measures, that the input data developed from the monitors is producing statistically accurate results. As Dr. Andrew explains:

> The system for validating monitors developed by SWA is not usable and greatly underestimates the risk of identifying a train as contributing to BNSF's coal dust problem when it is not. Without reliable data and proper estimates of variation and a statistically derived decision rule for rejecting a monitor for low precision, the detection system is fatally flawed.

Andrew V.S. at 2.

Second, BNSF's statistical efforts are fatally flawed because BNSF relied upon linear regression methods to develop its IDV.2 maximums. As Dr. Andrew explains, linear regression can only be applied properly when there are no measurement errors in the observation of both values being compared. Here, however, BNSF is comparing two input data values, each of which contains measurement errors. *Id.* at 10. In such circumstances, BNSF's use of a regression methodology is inappropriate and leads to prediction intervals that are incorrect. *Id.* at 11 ("A badly measured variable